### National Labor Relations Board



# Weekly Summary of NLRB Cases

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The Weekly Summary of NLRB Cases is a digest of decisions issued by the Board the previous week with a short description of the nature and facts of the case and a link to the decision. Also listed are case names and links to decisions by NLRB Administrative Law Judges (ALJs). Descriptions contained in the Weekly are for informational purposes only and are not intended to substitute for the opinions of the Board.

Any inquiries regarding this feature should be directed to the Office of Public Affairs at Publicinfo@nlrb.gov or 202-273-1991.

April 26, 2010: Hospital San Carlos, Inc. d/b/a Hospital San Carlos Borromeo (24-CA-11093, 355 NLRB No. 26) Moca, PR [HTML] [PDF]

The Board found that the employer, a hospital, violated the Act by failing to pay employees in four units the full amount of a Christmas bonus owed them under the parties' collective-bargaining agreements. The Board ordered the employer to pay each unit employee the difference between the full Christmas bonus due him under the applicable collective-bargaining agreement and the bonus amount actually paid him. The Board found a violation pursuant to a Section 8(d), unlawful contract modification theory of the case. The employer argued that ambiguous language in the contract allowed it to pay a reduced bonus amount when read in conjunction with a Puerto Rico law pertaining to Christmas bonuses. The Board rejected the employer's argument as implausible. The administrative law judge also found that the employer violated the Act. Administrative Law Judge William N. Cates issued his decision July 15, 2009. The charge was filed by Unidad Laboral Enfermeras(os) y Empleados De La Salud, a labor organization. Chairman Liebman and Members Schaumber and Pearce participated.

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April 29, 2010: Laborers, Local 1184 (High Light Electric, Inc.) (21-CD-677, 355 NLRB No. 29) Riverside, CA [HTML] [PDF]

The Board awarded disputed work to employees represented by Laborers rather than to employees represented by Electrical Workers. The work was electrical contractor work involving the installation of traffic control devices and utilities on public works roadway projects. In making the award, the Board relied on the factors of employer preference, current assignment and past practice, area practice, relative skills and training, and economy and efficiency of operations. The Board limited the award to the particular controversy that gave rise to the proceeding. Hearing Officer Cecelia Valentine issued her report Oct. 26, 2009. The charges were filed by the employer. Chairman Liebman and Members Schaumber and Pearce participated.

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April 29, 2010: Scheid Electric (18-CA-19084, 355 NLRB No. 27) Mankato, MN [HTML] [PDF]

The Board found that the employer, by its owner, violated the Act by interrogating the employees' union steward about his union sympathies and then constructively discharging him by reducing his work hours. In the absence of exceptions, the Board also adopted the administrative law judge's finding that the employer's owner threatened the employees at a union meeting with the loss of their union status, their collective-bargaining agreement, and their jobs. Administrative Law Judge Bruce D. Rosenstein issued his decision on Nov. 12, 2009. Charges were filed by the International Brotherhood of Electrical Workers, Local 343. Chairman Liebman and Members Schaumber and Pearce participated.

April 30, 2010: *San Juan Teachers Association* (20-CA-34254; 355 NLRB No. 28) Carmichael, CA [HTML] [PDF]

The Board found that the employer violated the Act by reducing the weekly work hours of two unit employees without providing the union with notice and an opportunity to bargain. The Board ordered the employer to rescind the change in the weekly work hours of the two employees, to restore their workweek schedule to that which existed before the change, and to reimburse them for the loss in pay they suffered as a result of the change. Administrative Law Judge William L. Schmidt issued his decision on Nov. 4, 2009. The charges were filed by the San Juan Teachers Association. Chairman Liebman and Members Schaumber and Pearce participated.

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#### UNPUBLISHED BOARD DECISIONS AND ORDERS IN REPRESENTATION CASES

(In the following case, the Board considered exceptions to Report of Hearing Officer)

#### DECISION AND CERTIFICATION OF REPRESENTATIVE

Brentwood Assisted Living Community, Hobart, IN, 13-RC-21864, Apr. 26, 2010 (Chairman Liebman and Members Schaumber and Pearce participated).

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(In the following case, the Board adopted Report of Hearing Officer in the absence of exceptions)

DECISION AND ORDER [remanding proceeding to Regional Director for further appropriate action]

Trustees of Foxcroft Academy, Dover-Foxcroft, ME, 01-RC-22404, Apr. 30, 2010

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(In the following cases, the Board denied requests for review of Decisions and Directions of Elections (D&DE) and Decisions and Orders (D&O) of Regional Directors)

*Hewlett-Packard*, Andover, MA, 1-RC-22389, Apr. 28, 2010 (Chairman Liebman and Members Schaumber and Becker participated).

Spencer Forge & Manufacturing, Inc., Spencer, OH, 8-RM-1112, Apr. 28, 2010 (Chairman Liebman and Members Schaumber and Becker participated).

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#### (Miscellaneous Board Decisions and Orders)

## ORDER [granting Union's request for special permission to appeal and denying appeal on the merits]

*Olympia Medical Center*, 31-RC-8773, Apr. 26, 2010 (Chairman Liebman and Members Schaumber and Pearce participated).

Providence Tarzana Medical Center, 31-RC-8772, Apr. 26, 2010 (Chairman Liebman and Members Schaumber and Pearce participated).

ORDER [amending decision to permit quality assurance employee to vote under challenge and denying request for review in this and all other respects]

Marzetti Frozen Pasta, Inc., Altoona, IA, 18-RC-17691, Apr. 28, 2010 (Chairman Liebman and Members Schaumber and Becker participated).

## CERTIFICATION OF REPRESENTATIVE AS BONA FIDE UNDER SECTION 7(B) OF THE FAIR LABOR STANDARDS ACT OF 1938

Maintenance Cooperation Trust Fund, Los Angeles, CA, 31-WH-8, Apr. 30, 2010

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#### **DECISIONS OF ADMINISTRATIVE LAW JUDGES**

*Franzen Graphics, LLC, and Franzen Graphics-Ohio, LLC* (Graphic Communications Conference of the International Brotherhood of Teamsters, Local 546M) Cleveland, OH, Apr. 26, 2010, 8-CA-37774 et al., JD-24-10, Administrative Law Judge George Alemán. [HTML] [PDF]

*Sidhal Industries, LLP* (International Brotherhood of Teamsters, Local 813) Hempstead, NY, Apr. 26, 2010, 29-CA-29608, 29637, JD(NY)-15-10, Administrative Law Judge Steven Davis. [HTML] [PDF]

Pavers and Road Builders District Council Welfare Fund, Annuity Fund and Apprenticeship and Training Fund (United Plant & Production Workers, Local 175, International Union of Journeymen & Allied Trades) Flushing, NY, Apr. 29, 2010, 29-CA-29656, JD(NY)-14-10, Administrative Law Judge Raymond P. Green. [HTML] [PDF]

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